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13 *Toshiba America, Inc., Toshiba America*

14 *Consumer Products, LLC, Toshiba America*

15 *Information Systems, Inc., and Toshiba*

16 *America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)
21 ANTITRUST LITIGATION

22 Case No. 07-5944 SC
23 MDL No. 1917

24 This Document Relates to:

25 ALL INDIRECT PURCHASER ACTIONS

26 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*
27 Case No. 3:11-cv-05513

28 *Best Buy Co., Inc., et al. v. Technicolor SA, et*
al., Case No. 13-cv-05264

29 *CompuCom Systems, Inc. v. Hitachi, Ltd., et al.,*
30 Case No. 3:11-cv-06396

31 *Costco Wholesale Corp. v. Hitachi, Ltd., et al.,*
32 Case No. 3:11-cv-06397

33 *Electrograph Systems, Inc., et al. v. Hitachi, Ltd.,*
34 *et al.,* Case No. 3:11-cv-01656

35 **DECLARATION OF
36 LUCIUS B. LAU IN SUPPORT OF
37 DEFENDANTS' NOTICE OF
38 MOTION AND MOTION FOR
39 PARTIAL SUMMARY
40 JUDGMENT ON PLAINTIFFS'
41 INDIRECT PURCHASER CLAIMS
42 BASED ON FOREIGN SALES**

43 DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS' NOTICE OF MOTION
44 AND MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' INDIRECT PURCHASER
45 CLAIMS BASED ON FOREIGN SALES
46 Case No. 07-5944-SC, MDL No. 1917

1 *Electrograph Systems, Inc., et al. v. Technicolor*
2 *SA, et al.*, Case No. 3:13-cv-05724

3 *Interbond Corp. of America v. Hitachi, Ltd., et*
4 *al.*, Case No. 3:11-cv-06275

5 *Interbond Corp. of America v. Technicolor SA, et*
6 *al.*, Case No. 3:13-cv-05727

7 *Office Depot, Inc. v. Hitachi, Ltd., et al.*, Case
8 No. 3:11-cv-06276

9 *Office Depot, Inc. v. Technicolor SA, et al.*, Case
10 No. 3:13-cv-05726

11 *P.C. Richard & Son Long Island Corp., et al. v.*
12 *Hitachi, Ltd., et al.*, Case No. 3:12-cv-02648

13 *P.C. Richard & Son Long Island Corp., et al. v.*
14 *Technicolor SA, et al.*, Case No. 3:13-cv-05725

15 *Sears, Roebuck & Co. and Kmart Corp. v.*
16 *Chunghwa Picture Tubes, Ltd., et al.*, Case No.
17 3:11-cv-05514

18 *Tech Data Corp., et al. V. Hitachi, Ltd., et al.*,
19 Case No. 3:13-cv-00157

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1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for
 3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer
 4 Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic
 5 Components, Inc.

6 2. I submit this declaration in support of Defendants' Notice of Motion and
 7 Motion for Partial Summary Judgment on Plaintiffs' Indirect Purchaser Claims Based on
 8 Foreign Sales ("Defendants' Motion"), filed contemporaneously herewith. Except for those
 9 matters stated on information and belief, which I believe to be true, I have personal
 10 knowledge of the facts stated herein, and I could and would competently testify thereto if
 11 called as a witness.

12 3. Attached hereto as **Exhibit A** is a table setting forth the state law claims
 13 subject to this motion in each of the relevant actions.

14 4. Attached hereto as **Exhibit B** is a true and correct copy of the Expert Report of
 15 Janet S. Netz, Ph.D., dated April 15, 2014, and served on behalf of the Indirect Purchaser
 16 Plaintiffs.

17 5. Attached hereto as **Exhibit C** is a true and correct copy of the Report of Alan
 18 S. Frankel, Ph.D., dated April 15, 2014, and served on behalf of Plaintiffs Best Buy Co., Inc.,
 19 Best Buy Purchasing, LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P.,
 20 BestBuy.com, L.L.C., and Magnolia Hi-Fi, Inc. On information and belief, Dr. Frankel
 21 presents the same type of arguments and analysis with respect to the portions of his report
 22 cited in Defendants' Motion in his expert reports served in the CompuCom, Costco,
 23 Electrograph, Interbond, Office Depot, P.C. Richard, Sears, Kmart and Tech Data actions.

24 6. Attached hereto as **Exhibit D** is a true and correct copy of the Expert Report of
 25 Janusz A. Ordover, Ph.D., dated August 5, 2014, and served on behalf of Defendants LG
 26 Electronics, Inc., LG Electronics USA, Inc., LG Electronics Taiwan Taipei Co., Ltd.,
 27 Koninklijke Philips N.V., Philips Electronics North America Corporation, Philips Taiwan
 28 Limited, Philips do Brasil Ltda., Hitachi, Ltd. , Hitachi Displays, Ltd. (n/k/a Japan Display
 Inc.), Hitachi Asia, Ltd., Hitachi America, Ltd., Hitachi Electronic Devices (USA), Inc.,

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1 Toshiba America Electronic Components, Inc., Toshiba America, Inc., Toshiba America
2 Information Systems, Inc., Toshiba Corporation, Panasonic Corporation (f/k/a Matsushita
3 Electrical Industrial Co.), Panasonic Corporation of North America, MT Picture Display Co.,
4 Ltd. (“MTPD”), Technicolor SA (f/k/a Thomson SA), Technicolor USA, Inc. (f/k/a Thomson
5 Consumer Electronics, Inc.), Mitsubishi Electric Corporation, Mitsubishi Electric &
6 Electronics USA, Inc., and Mitsubishi Electric Visual Solutions America, Inc. in the Best Buy
7 actions. On information and belief, Dr. Ordover presents the same type of arguments and
8 analysis with respect to the portions of his report cited in Defendants’ Motion in his expert
9 reports served in the CompuCom, Costco, Electrograph, Interbond, Office Depot, P.C.
10 Richard, Sears, Kmart and Tech Data actions.

11 7. Attached hereto as **Exhibit E** is a table setting forth citations regarding the
12 harmonization of the relevant state laws with federal antitrust law.

13 8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the
14 transcript of the Rule 30(b)(6) deposition of Costco Wholesale Corporation, taken December
15 7, 2012.

16 9. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the
17 transcripts of the Rule 30(b)(6) deposition of Best Buy Co., Inc., Best Buy Purchasing, LLC,
18 Best Buy Enterprise Service, Inc., Best Buy Stores, L.P., Bestbuy.com, LLC, and Magnolia
19 Hi-Fi, taken on December 3, 2012 and May 22, 2014.

20 10. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the
21 transcript of the deposition of Rebecca Smith, taken August 27, 2014.

22 11. Attached hereto as **Exhibit I** is a true and correct copy of excerpts from
23 Plaintiffs Sears, Roebuck and Co. & Kmart Corp.’s Objections and Responses to Defendant
24 Hitachi Displays, Ltd.’s First Set of Requests for Admission, dated August 4, 2014.

25 12. Attached hereto as **Exhibit J** is a true and correct copy of Defendants’ Joint
26 Notice of Motion and Motion to Dismiss Amended Complaint Under Fed. R. Civ. P. 12(b)(1)
27 and Fed. R. Civ. P. 12(b)(6), *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal. Feb. 19,
28 2010), ECF No. 1559 filed on behalf of multiple entities including Sharp Electronics
Corporation.

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1 13. Attached hereto as **Exhibit K** is a true and correct copy of a letter from Craig
2 A. Benson, counsel for Sharp Electronics Corporation and Sharp Electronics Manufacturing
3 Company of America, Inc., to counsel for the Defendants, dated October 14, 2014.

5 I declare under penalty of perjury under the laws of the United States of America that
6 the foregoing is true and correct.

Executed this 7th day of November, 2014, in Washington, D.C.


Lucius B. Lau

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